



United States
Department of
Agriculture

Forest
Service

Pacific
Northwest
Region

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File Code: 1570-1_03-06-(029-030)-15
Route To:

Date: September 3, 2003

Subject: Bamber Cluster Range Allotment (Bamber, Henry, and Empire Range Allotments)
Administrative Appeal Review

To: Regional Forester

On May 30, 2003, Colville National Forest District Ranger Carol Boyd signed a Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Bamber, Henry, and Empire Range Allotments, analyzed in the Bamber Cluster Range Allotment Environmental Assessment (EA). The decision includes range improvements and range management on the Republic Ranger District, Colville National Forest. The selected alternative would also combine two of the three allotments.

The Ferry County Board of Commissioners and the Kettle Range Conservation Group appealed the decision. The appellants raise concern that the EA was inadequate in its analysis of range, wildlife, watershed, road, economic, and fire issues. In addition, appellants assert that the project violates the National Environmental Policy Act, the National Forest Management Act, and the Colville National Forest Land and Resource Management Plan.

Based on my review, I recommend you affirm Ranger Boyd's decision. I conducted my review in accordance with 36 Code of Federal Regulations, Part 215. My review is to ensure that the analysis and decision are in compliance with applicable laws, regulations, and policies. The appeal record, including the appellants' objections and requested relief, have been thoroughly reviewed. I have enclosed a briefing on each of the appellants' concerns along with a short description of my findings.

I believe that Ranger Boyd made a reasoned and informed decision as described by the DN. The decision documentation demonstrates and supports the purpose and need for and the benefits and environmental consequences of the alternatives, including the selected alternative.

The decision documentation is consistent with the Colville National Forest Land and Resource Management Plan, as amended, the National Environmental Policy Act and the National Forest Management Act. The project proposal is consistent with agency policy and direction. The decision documentation indicates that Ranger Boyd carried out a process for providing public participation opportunities and responding to comments.

The appellants' requested relief is that the decision be withdrawn. After reviewing the appellants' assertions and supporting rationale, granting the requested relief is not warranted.

/s/Calvin N. Joyner
CALVIN N. JOYNER
Appeal Reviewing Officer
Director of Natural Resources

Enclosure



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Kettle Range Conservation Group Appeal
Bamber, Henry, and Empire Range Allotments
Colville National Forest
Appeal #03-06-030-15

Appeal Issue #1: Failure to adequately address the suitability of lands for resource management.

Response: The Forest Land and Resource Management Plan addresses the suitability of lands for resource management. Appendix B-9 documents the existence of the Range Suitability map for the Forest. The EA tiers to the Management Plan and its analysis.

Appeal Issue #2: The decision violates the National Forest Management Act's requirement to maintain viable numbers of all species.

Response: The EA contains appropriate analysis of all sensitive, threatened, and endangered species (EA, 44-68) and has concurrence from the US Fish and Wildlife Service (process records, DN, 6) on its findings. In addition, the appropriate analyses for management indicator species has been done.

Appeal Issue #3: The Colville National Forest has failed to monitor populations of Management Indicator Species.

Response: The District has properly disclosed all Management Indicator Species with an effects discussion.

Appeal Issue # 4: Unreasonably narrow Purpose and Need, and inadequate Range of Alternatives.

Response: The Purpose and Need for the project were well defined (EA, 3-7). The document addresses five significant issues to the project: (1) effects on riparian vegetation and stream attributes, (2) effects on the native plant community, (3) prevention and control of noxious weeds, (4) effects on mule deer fawning and forage habitat, and (5) economic effectiveness, feasibility, and viability. The proposed action, the alternatives considered, but eliminated from further study, and the alternatives to the proposed action adequately address the six issues. The required "No Action" alternative does not meet the purpose and need (DN/FONSI Appendix A, page 25), but the other alternatives do meet the Purpose and Need.

Appeal Issue # 5: There is contradictory information in the 25 August 2002 Biological Assessment.

Response: On the surface, the statements do seem to be contradictory. One statement, however, applies to individuals within the population, and the other statement refers to the viability of the species (Biological Assessment, 20).

Appeal Issue # 6: The DN is in violation of INFISH RMO GM-1.

Response: INFISH RMO GM-1 states, "Modify grazing practices that retard or prevent attainment of Riparian Management Objectives or are likely to adversely affect inland native fish. Suspend grazing if adjusting practices is not effective in meeting Riparian Management Objectives." The Decision Notice does suspend grazing where adjusting practices are not effective. It fences off the sensitive Riparian areas that need recovery and no grazing would occur there.

Appeal Issue # 7: Failure to analyze and monitor grazing across the Colville National Forest.

Response: This is an issue that pertains to implementation of chapter 4 of the Forest Land and Management Resource Management Plan. It is outside the scope of this project. Monitoring results are displayed for these allotments in the specialist reports and EA, and the monitoring contained in the watershed analysis supports the site-specific need for the range improvements.

Appeal Issue #8: The EA fails to offer scientific substantiation for many of the findings and assumptions included in the EA.

Response: The environmental analysis contains adequate scientific evidence for the rationale in the Decision Notice (EA, chapter 3, and specialist reports). The citations used by the appellant are for range areas and soils found in arid and semiarid areas, that are not directly applicable to this project. In cases where the assumptions are key to the success of the project, the Responsible Official has made additional commitments to monitoring the results to test the key assumptions used for the decision (DN, 1-2).

Appeal Issue #9: The EA fails to accurately reveal the adverse impacts of grazing and misleads the public by implying that minor reduction in AUM's and mitigation measures will result in a "net improvement" to forest resources.

Response: The EA displays the impacts and trends as being improved or not changed with the selected alternative, compared to the existing conditions (EA, chapter 3). The Decision Notice displays the effects (some resources improve, some stay the same as existing conditions) and requires monitoring to validate that trend of improvement in stream conditions (DN, 1).

Appeal Issue #10: The EA fails to address the issue of state certification requirements for permittees and whether such certification will be enforced.

Response: State Certification requirements are not required in the State of Washington.

Appeal Issue #11: Inadequate analysis and monitoring of noxious weeds.

Response: There is an adequate discussion of noxious weeds in the project area (EA, Chapter 3, 41-43). Prevention strategy measures are adequately disclosed in the Decision Notice and EA (DN, 2; EA, Chapter 2, 16). There are additional details in the noxious weed specialist reports in the project records.

Appeal Issue #12: No scientific support for proposed mitigation measures.

Response: The mitigation measures are consistent with the Standards and Guidelines for both the Colville National Forest and INFISH. The Standards and Guidelines pertaining to the project are well documented in the EA. Including appropriate scientific references. In addition, the monitoring required in the project is in place to detect the effectiveness of the mitigation measures (DN, 1-2).

Appeal Issue #13: Inadequate analysis of the effects of grazing on wildfires.

Response: This issue was found to be outside the scope of the project due to the continuing policy of fire suppression and other activities.

Appeal Issue #14: The economic analysis is inadequate.

Response: The recreation economic issue (as brought up in the appeal) is discussed in the Forest Plan. Management Area 3 directs that recreation/grazing conflicts will be resolved in favor of recreation, and the other management areas direct that grazing will occur (DN, 3-4).

The Forest Plan addresses the issues of competing resources including, recreation, wildlife, range, and timber, as well as costs and benefits of the range program. The Colville National Forest LRMP- FEIS addresses range/recreation conflict effects (LRMP, 4-91, 4-125). The IMPLAN model for the Forest addresses jobs in the Range and Recreation sector on a program basis (LRMP-FEIS, Appendix B).

Appeal Issue #15: The EA fails to adequately analyze the ecological and recreational impacts on the Bodie Roadless Area.

Response: The Bodie Roadless Area is not located on the Bamber, Henry, and Empire Range Allotments (Response to Comments, 11-12).

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